

Suits – I & CAD Department – L.A. - Formation of CADA Roads-B.Annaram (V), Miryalaguda (M) ,Nalgonda Dist . – Sanction of differential decretal charges for an amount of Rs.16,80,240/- towards the lands acquired for formation of CADA Roads in respect of O.P.No.76/2000 as per the orders dated.28-07-2011 of High Court of A.P.in W.P.No.6788/2006 -Accorded

IRRIGATION & CAD (CAD) DEPARTMENT

Dated: -13-06-2012.
Read the following

$$@@@$$

In the reference read above, the Special Chief Secretary to Government and Chief Commissioner of Land Administration, Hyderabad has informed that the Special Collector (LA), Nalgonda District has submitted proposals for payment of decretal charges in O.P.No.76/2000 stating that the Special Deputy Collector (LA) SLBC, Nalgonda, has acquired land measuring Ac.8.33 gnts for formation of CADA Roads from 0.0 to 14.0 KM in the limits of B.Annaram (V), Miryalaguda (m), Nalgonda Dist. Aggrieved by the amount of compensation paid, the land owners made reference U/S 18 of LA Act. The reference Court in O.P.No.76 & 77/2000, vide orders dated : 23-06-2001, has issued the following orders : (1) Market value enhanced and fixed as Rs.90,000 per acre, (2) 12% AMV was not allowed as advance possession was taken long prior to DN, (3) 30% Solatium was awarded, (4) 9% interest from date of possession i.e. from 30/04/82 for one year, (5) 15% interest from there on i.e from 30/04/1983 till realization of enhanced compensation. The Hon'ble High Court vide orders dated: 17-03-2003 in Appeal No. 1181 of 2002 filed against the decree in O.P.No. 76 & 77 /2000 has issued the following orders : (1) 12% AMV is allowed from the date of notification till the date of award, (2) Allowed interest on enhanced compensation including solatium & Market value, (3) In all other respects the decree was confirmed. The above Orders of the Hon'ble High Court was dismissed on 29-11-2004, as per the orders of the Hon'ble Supreme Court on 12-03-2004 in R.L JAIN case, no interest or AMV is payable for the period prior to the date of DN and the land owner will be entitled for damages/rent for the period from the date of possession to the date of DN. In this case, the date of possession was 30-04-1982, while the date of notification was on 04-10-1997. There is a gap of 15 years. The land owners filed EP No.08/2004 for realization of decretal charges in which the interest was calculated from the "Date of possession". The EP has been ordered on 01/06/2011. There is a huge gap in the compensation payable as on 11-11-1999 and it further increases if the interest is calculated till to date. The Special Chief Secretary to Government and Chief Commissioner of Land Administration, Hyderabad has stated that it appears reasonable to file CRP or initiate other legal remedial action to contest the orders on the EP 08/2004 duly bringing on record the orders of Hon'ble Supreme Court in RL Jain Case and requested to take a decision in this regard., since the Contempt Case No.239/2012 in W.P.No.6788/2006 filed against the Government is coming up on 27-04-2012.

2. The Government Pleader, I&CAD Department, High Court of A.P. has opined that since the dispute between the parties has attained finality about nearly 8 years back, there is no scope for filing any revision or taking recourse to other legal steps before the Hon'ble High Court. Hence, the orders of the Hon'ble High Court have to be complied with.

(PTO)

3. Government after careful examination hereby accord sanction for an amount of Rs16,80,240/- (Rupees Sixteen lakhs, eighty thousands two hundred and forty only) towards the differential amount of decretal charges in respect of O.P.No.76/2000 as per the calculation of the Spl.Collector,(LA), Nalgonda , for the land acquired for formation of CADA Roads at in respect of the lands acquired for formation of CADA Roads from 0.000 to 14.000 in the limits of B.Annaram (V),Miryalaguda (M) ,Nalgonda District and to deposit the said amount in the Lower Court to comply with the orders of the Hon'ble High Court dated.28-07-2011 in W.P.No.6788/2006.

4. The above amount is sanctioned subject to confirmation of the decretal amount by the Special Collector,(LA), Nalgonda

5. The Commissioner, CAD is directed to meet the expenditure sanctioned in para (3) above, under the following head of account:

4705 - M.H.101 Nagarjuna Sagar Project Command Area-G.H - 11-Normal State Plan-S.H. 05 Ayacut Roads - 530 Major Works 532 – Lands (charged).

6. The Commissioner, CAD., is requested to take further action in the matter and ensure that the amount is deposited in the Lower Court at an early date as per the orders dated.28-07-2011 in W.P.No.6788/2006 by giving suitable instructions to Special Collector (LA), Nalgonda

7. This order issues with the concurrence of Finance (Exp. P.W.I) Department vide their U.O.No. 16111-A/570/A1/Exp.P.W./12, dated: 12-06-2012.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**AJOYENDRA PYAL
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To
The Commissioner, CAD, Jalasoudha Building, Errummanzil, Hyderabad.
The Spl. Chief Secy. to Govt. & CCLA., A.P. Hyderabad.
The Special Collector, (LA), Nalgonda
Copy to:
Special Deputy Collector, LA., SLBC, Nalgonda.
The Accountant General, A.P., Hyderabad.
The Govt. Pleader for I&CAD Deptt. High Court of A.P. Hyd.
The Finance (Exp. P.W.I) Dept. /the Law Dept.
The P.S. to Minister (M & MI)
The P.S. to Spl.Chief Secy. to Govt., I&CAD.Dept.
The P.S. to Prl.Secretary(AD). to Govt., I&CAD.Deptt.
The P.S. to Spl. Secy. to Govt., I&CAD.Dept.
S.F./S.C.

// FORWARDED BY ORDER //

SECTION OFFICER